

105TH CONGRESS
2D SESSION

H. R. 3606

To provide for drug testing of and interventions with incarcerated offenders and reduce drug trafficking and related crime in correctional facilities.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 1998

Mr. CONYERS (for himself and Mr. BARRETT of Wisconsin) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for drug testing of and interventions with incarcerated offenders and reduce drug trafficking and related crime in correctional facilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drug Testing, Inter-
5 vention, and Trafficking Reduction Within Prisons Act of
6 1998”.

1 **SEC. 2. ADDITIONAL REQUIREMENTS FOR THE USE OF**
2 **FUNDS UNDER THE VIOLENT OFFENDER IN-**
3 **CARCERATION AND TRUTH-IN-SENTENCING**
4 **GRANTS PROGRAM.**

5 Section 20105(b) of the Violent Crime Control and
6 Law Enforcement Act of 1994 is amended to read as fol-
7 lows:

8 “(b) ADDITIONAL REQUIREMENTS.—

9 “(1) ELIGIBILITY FOR GRANT.—To be eligible
10 to receive a grant under section 20103 or section
11 20104, a State shall—

12 “(A) provide assurances to the Attorney
13 General that the State has implemented or will
14 implement not later than 18 months after the
15 date of the enactment of this subtitle, policies
16 that provide for the recognition of the rights of
17 crime victims; and

18 “(B) no later than September 1, 1998,
19 have a program of drug testing and interven-
20 tion for appropriate categories of convicted of-
21 fenders during periods of incarceration and
22 criminal justice supervision, with sanctions in-
23 cluding denial or revocation of release for posi-
24 tive drug tests, consistent with guidelines issued
25 by the Attorney General.

1 “(2) USE OF FUNDS.—Funds provided under
2 section 20103 or section 20104 of this subtitle may
3 be applied to the cost of offender drug testing and
4 appropriate intervention programs during periods of
5 incarceration and criminal justice supervision, con-
6 sistent with guidelines issued by the Attorney Gen-
7 eral. Further, such funds may be used by the States
8 to pay the costs of providing to the Attorney General
9 a baseline study on their prison drug abuse problem.
10 Such studies shall be consistent with guidelines
11 issued by the Attorney General.

12 “(3) SYSTEM OF SANCTIONS AND PENALTIES.—
13 Beginning in fiscal year 2000, and thereafter, States
14 receiving funds pursuant to section 20103 or section
15 20104 of this subtitle shall have a system of sanc-
16 tions and penalties that address drug trafficking
17 within and into correctional facilities under their ju-
18 risdiction. Such systems shall be in accordance with
19 guidelines issued by the Attorney General. Begin-
20 ning in fiscal year 2000, and each year thereafter,
21 any State that the Attorney General determines not
22 to be in compliance with the provisions of this para-
23 graph, shall have the funds for which they would
24 have otherwise been eligible to receive under section
25 20103 or section 20104, reduced by 10 percent for

1 each fiscal year for which the Attorney General de-
 2 termines they do not comply. Any funds that are not
 3 allocated for failure to comply with this section shall
 4 be reallocated to States that comply with this sec-
 5 tion.”.

6 **SEC. 3. USE OF RESIDENTIAL SUBSTANCE ABUSE TREAT-**
 7 **MENT GRANTS TO PROVIDE FOR SERVICES**
 8 **DURING AND AFTER INCARCERATION.**

9 Section 1901 of part S of the Omnibus Crime Control
 10 and Safe Streets Act of 1968 (42 U.S.C. 3796ff) is
 11 amended by adding at the end the following:

12 “(c) **ADDITIONAL USE OF FUNDS.**—States that dem-
 13 onstrate that they have existing in-prison drug treatment
 14 programs that are in compliance with Federal require-
 15 ments, may use funds awarded under this part for treat-
 16 ment and sanctions both during incarceration and after
 17 release.”.

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